

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW HAMPSHIRE**

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**GENERAL ORDER RE ADMINISTRATIVE ORDER  
ISSUED PURSUANT TO LBR 9029-2**

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WHEREAS, by General Order dated and filed on April 1, 1997, this Court adopted the Rules of the United States Bankruptcy Court for the District of New Hampshire, said rules hereinafter referred to as the Local Bankruptcy Rules; and

WHEREAS, Rule 9029-2 of the Local Bankruptcy Rules authorizes this Court to adopt administrative orders for the conduct and disposition of proceedings before it and, from time to time, to alter and amend the same, provided that such administrative orders are not inconsistent with the provisions of the United States Bankruptcy Code, Federal Rules of Bankruptcy Procedure or Local Bankruptcy Rules; and

WHEREAS, pursuant to the authority granted this Court by Local Bankruptcy Rule 9029-2, and for the purpose of organizing, clarifying and supplementing the administrative orders issued by the Court prior to the date of this order; it is hereby

ORDERED this 15th day of March, 2002, that the annexed "Administrative Order 5005-4 of the United States Bankruptcy Court for the District of New Hampshire" is hereby prescribed and promulgated pursuant to Local Bankruptcy Rule 9029-2 and shall take effect on April 1, 2002, and govern all bankruptcy cases and proceedings thereafter commenced and, insofar as just and practicable, all bankruptcy cases and proceedings then pending in this Court; and it is further

ORDERED that the Clerk shall post a copy of this order in the Clerk's Office and shall forthwith cause a notice regarding the adoption of this Administrative Order to be published in the New Hampshire Bar News which indicates that copies of this Administrative Order are available upon request and on the Court's Web site.

DATED and FILED this 15<sup>th</sup> day of March, 2002.

BY THE COURT:

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Mark W. Vaughn  
Chief Judge

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J. Michael Deasy  
Bankruptcy Judge

## AO 5005-4

**ADMINISTRATIVE PROCEDURES FOR FILING, SIGNING, MAINTAINING AND  
VERIFYING PLEADINGS AND PAPERS IN THE  
CASE MANAGEMENT/ELECTRONIC CASE FILES (CM/ECF) SYSTEM**  
(Adopted pursuant to General Order dated March 15, 2002)

(a) *Terms.* The term “CM/ECF system” is used to refer to the Court’s Case Management/Electronic Case Files system that receives documents filed in electronic form. The term “Filing User” is used to refer to those who have a court-issued log-in and password to file documents electronically. The term “Notice of Electronic Filing” is used to refer to the notice automatically generated by the CM/ECF system each time a document is filed.

(b) *Scope of Electronic Filing.* All cases filed after April 1, 2002 will be part of the Court’s CM/ECF system. All petitions, motions, memoranda of law, or other pleadings and documents required to be filed must be electronically filed except as expressly provided and in circumstances where the Filing User is prevented from filing electronically, i.e., the CM/ECF system is down. Notwithstanding the foregoing, attorneys and others who are not Filing Users in the CM/ECF system are not required to electronically file pleadings and other papers. Once registered, a Filing User may withdraw from participation in the CM/ECF system by providing the clerk’s office with written notice of the withdrawal.

(c) *Eligibility, Registration, Passwords.* Attorneys admitted to the bar of this Court (including those admitted pro hac vice), United States trustees and their assistants, private trustees, and others as the Court deems appropriate, may register as Filing Users of the Court’s CM/ECF system upon (1) completion of the Court’s training program; or (2) certification by the clerk in circumstances where completion of the Court’s training program is not warranted. Registration will be in a form prescribed by the clerk and will require the Filing User’s name, address, telephone number, Internet e-mail address, and, in the case of an attorney, a declaration that the attorney is admitted to the bar of this Court.

A party to a pending action who is not represented by an attorney may register as a Filing User in the CM/ECF system, solely for purposes of the action, upon (1) completion of the Court’s training program; or (2) certification by the clerk in circumstances where completion of the Court’s training program is not warranted. Registration will be in a form prescribed by the clerk and will require identification of the action as well as the name, address, telephone number and Internet e-mail address of the party. If, during the course of the action, the party retains an attorney who appears on the party’s behalf, the attorney must advise the clerk to terminate the party’s registration as a Filing User upon the attorney’s appearance.

Provided that a Filing User has an Internet e-mail address, registration as a Filing User constitutes: (1) waiver of the right to receive notice by first class or certified mail and consent to receive notice electronically; and (2) waiver of the right to service by personal service, first class or certified mail and consent to electronic service, except with regard to service of a summons and complaint under Fed. R. Bankr. P. 7004. Waiver of service and notice by first class or certified mail applies to notice of the entry of an order or judgment under Fed. R. Bankr. P. 9022.

Once registration is completed, the Filing User will receive notification of the user log-in and password. Filing Users shall protect the security of their passwords and immediately notify the clerk by telephone and by facsimile if they learn that their password has been compromised. Filing Users may be subject to sanctions for failure to comply with this provision.

*(d) Consequences of Electronic Filing.* Electronic transmission of a document to the CM/ECF system consistent with these rules, together with the transmission of a Notice of Electronic Filing from the Court, constitutes filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and the local rules of this Court, and constitutes entry of the document on the docket kept by the clerk under Fed. R. Bankr. P. 5003.

When a document has been filed electronically, the official record is the electronic recording of the document as stored by the Court, and the filing party is bound by the document as filed. Except in the case of documents first filed in paper form and subsequently submitted electronically, a document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the Court.

Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight local time where the Court is located in order to be considered timely filed that day.

*(e) Entry of Court Orders.* All orders, decrees, judgments, and proceedings of the Court will be filed in accordance with these rules, which will constitute entry on the docket kept by the clerk under Fed. R. Bankr. P. 5003 and 9021. All signed orders will be filed electronically by the Court or Court personnel. Any order filed electronically without the original signature of a judge has the same force and effect as if the judge had affixed the judge's signature to a paper copy of the order and it had been entered on the docket in a conventional manner.

A Filing User submitting a document electronically that requires a judge's signature must submit, at that time, a separate proposed order as an attachment to the document in the CM/ECF system. If a proposed order is being submitted by a Filing User after a document requiring a judge's signature has already been electronically filed (e.g., at the request of a judge after a hearing on the document), the proposed order shall be filed separately in the CM/ECF system unless otherwise ordered by the Court.

*(f) Attachments and Exhibits.* Filing Users must submit in electronic form all documents referenced as exhibits or attachments, unless the Court permits conventional filing. A Filing User may submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the Court. Excerpted material must be clearly and prominently identified as such. Filing Users who file excerpts of documents as exhibits or attachments under this rule do so without prejudice to their right to timely file additional excerpts or the complete document. Filing Users must promptly provide excerpted documents in full if a responding party makes such a request. Responding parties may timely file additional excerpts, or the complete document, if they believe they are directly germane.

*(g) Sealed Documents.* Documents ordered to be placed under seal must be filed conventionally, and not electronically, unless specifically authorized by the Court. A motion to file documents under seal may be filed electronically unless prohibited by law. The order of the Court authorizing the filing of documents under seal may be filed electronically unless prohibited by law. A paper copy of the order must be attached to the documents under seal and be delivered to the clerk.

*(h) Documents Containing Original Signatures.* If a document that is electronically filed contains an original signature under oath, other than that of the Filing User, a paper copy of a Declaration Regarding Electronic Filing must be filed with the Court within five business days. The Declaration Regarding Electronic Filing must be in the form of Local Bankruptcy Forms 5005-4A or 5005-4B, it must be signed under oath, and it must have attached to it a copy of the Notice of Electronic Filing for that document which includes the electronic document stamp. As part of the clerk's duty to maintain records, the clerk shall retain all Declarations Regarding Electronic Filing that are filed with the Court.

(i) *Signatures.* The user log-in and password required to submit documents to the CM/ECF system serve as the Filing User's signature on all electronic documents filed with the Court. They also serve as a signature for purposes of Fed. R. Bankr. P. 9011, the Federal Rules of Bankruptcy Procedure, the local rules of this Court, and any other purpose for which a signature is required in connection with proceedings before the Court. Each document filed electronically must, if possible, indicate that it has been electronically filed. Electronically filed documents must include a signature block that sets forth the name, address, telephone number, and the attorney's bar registration number. In addition, the name of the Filing User under whose log-in and password the document is submitted must be preceded by an "/s/" and typed in the space where the signature would otherwise appear.

No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User.

Except for documents covered by paragraph (h) of this order, documents requiring signatures of more than one party must be electronically filed either by: (1) submitting a scanned document containing all necessary signatures; (2) representing the consent of the other parties on the document; or (3) in any other manner approved by the Court.

(j) *Service of Documents by Electronic Means.* Each Filing User who electronically files a pleading or other document must transmit a "Notice of Electronic Filing" to parties entitled to service or notice under the Federal Rules of Bankruptcy Procedure and these local rules. The "Notice of Electronic Filing" must be transmitted by e-mail, hand, facsimile, or by first-class mail postage prepaid. Electronic transmission by the Court of the Notice of Electronic Filing generated by the CM/ECF system will constitute service or notice of the filed document. Parties not deemed to have consented to electronic notice or service are entitled to receive a paper copy of any electronically filed pleading or other document and service or notice must be made according to the Federal Rules of Bankruptcy Procedure and the local rules.

(k) *Notice of Court Orders and Judgments.* Immediately upon the entry of an order or judgment in an action assigned to the CM/ECF system, the clerk will transmit to Filing Users in the case, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Fed. R. Bankr. P. 9022. The clerk must give notice to a person who has not consented to electronic service in paper form in accordance with the Federal Rules of Bankruptcy Procedure.

(l) *Technical Failures.* A Filing User whose filing is made untimely as the result of a technical failure may seek appropriate relief from the Court pursuant to 11 U.S.C. § 105 and Fed. R. Bankr. P. 9006(b)(1), subject to the limitations of Fed. R. Bankr. P. 9006(b)(2) and (3).

(m) *Public Access.* Any person or organization, other than one registered as a Filing User under paragraph c of this order, may access the CM/ECF system at the Court's Internet site <<http://www.nhb.uscourts.gov>> by obtaining a PACER log-in and password. Those who have PACER access but who are not Filing Users may retrieve docket sheets and documents, but they may not file documents.

In connection with the filing of any material in an action assigned to the CM/ECF system, any person may apply by motion for an order limiting electronic access to or prohibiting the electronic filing of certain specifically-identified materials on the grounds that such material is subject to privacy interests and that electronic access or electronic filing in the action is likely to prejudice those privacy interests.

Information posted on the CM/ECF system must not be downloaded for uses inconsistent with the privacy rights of any person.

*(n) Copies to be Filed.* The requirements of Local Bankruptcy Rule 5005-2 are suspended for Filing Users with respect to the number of copies of the petition, schedules, statements and lists to be filed with the Court. It is sufficient for the Filing User to electronically file the documents. No paper copies need to be filed with the Court. However, the debtor must bring a paper copy of the petition, schedules, statements and lists to the first meeting of creditors so that the trustee may use the paper copy to examine the debtor.

The requirements of Local Bankruptcy Rule 7101(c) are suspended for Filing Users with respect to filing a separate paper copy of the original pleading marked to the attention of the judge's calendar clerk. It is sufficient for the Filing User to electronically file the documents. No paper copies need to be sent to the judge's calendar clerk. However, a separate paper copy of all Chapter 11 plans and disclosure statements, including any amendments thereto, must be sent to the judge's calendar clerk. In addition, the Filing User must continue to supply red-lined copies of all amended Chapter 11 plans and disclosure statements, for the personal use of the judge, as required by Local Bankruptcy Rule 3016-1(b).